

REMARKS

Claims 1-10 and 29-37 are currently pending in the application. No claims have been amended, added, or canceled. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Claims 1-2, 4-10, 29-30, and 32-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,901,372 to Helzerman ("Helzerman") in view of U.S. Patent No. 6,581,040 to Wright ("Wright"). Claims 3 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman in view of Wright and further in view of The Production of Accurate Construction Cost Estimates in Saudi Arabia by Ali, et al. ("Ali").

Helzerman discloses a system and method for performing manufacturing projects. The method includes steps of providing a concept proposal to develop processes to manufacture a desired product, conducting a concept feasibility procedure, effective to demonstrate that a certain technology is feasible to manufacture the desired product, performing a manufacturing concept-ready procedure, effective to verify that the certain technology is capable of manufacturing the desired product under simulated conditions, performing a manufacturing implementation procedure, effective to verify that the certain technology is functionally sound and meets certain quality and cost criteria, and performing a replication procedure, effective to implement multiple applications of the certain technology within other manufacturing processes.

Wright discloses a system for providing enhanced communications for managing projects, particularly to project communications involving multiple resource providers. Ali discloses a cost estimation survey in a contractor/subcontractor context.

Independent claim 1 is directed to a method for assessing risk on a project associated with a change proposal directed toward the project. Independent claim 9 is directed to a system for assessing risk on a project associated with a change proposal directed toward the project, the project being developed by a service provider for a client. Independent claim 10 is directed to a computer-readable medium having stored thereon sequences of instruction to be executed by a processor. Applicant respectfully submits that the combination of Helzerman, Wright, and Ali fails to teach or suggest at least two of the distinguishing features common to each of these independent claims, namely, identifying, based on at least one amendment request, at least one artifact of a project to be potentially affected upon a proposal being adopted, and generating at least one metric indicative of potential effects on the project based on identifying the at least one

artifact, the at least one metric providing an objective risk assessment for the service provider to provide the client.

The Office Action asserts that the distinguishing feature of identifying, based on the at least one amendment request, at least one artifact of the project to be potentially affected upon the change proposal being adopted, is taught by Helzerman. An artifact, as the term is known in the art, is a product of an earlier project phase, process, or methodology, rather than a means for producing the product. For example, an artifact may be a document such as a requirements specification. Helzerman discloses determining whether a change proposal requires any new emerging manufacturing technologies, process, or methodologies, or modifications to existing ones before adopting a change. Applicant respectfully submits that Helzerman discloses identifying a means for producing a project artifact that might be affected by a change rather than identifying an actual project artifact that might be affected by the change. In contrast, the feature of claims 1, 9, and 10 noted above is directed to identifying a project artifact of a project that may be affected by a change proposal. Wright and Ali both fail to cure this deficiency of Helzerman. Applicant respectfully submits that independent claims 1, 9, and 10 distinguish over the combination of Helzerman, Wright, and Ali and requests that the 35 U.S.C. 103(a) rejections of independent claims 1, 9, and 10 be withdrawn.

Additionally, Applicant respectfully submits that the combination of Helzerman, Wright, and Ali fails to teach or suggest means for generating at least one metric indicative of the potential effects on the project based on said identifying the at least one artifact, the at least one metric providing an objective risk assessment for the service provider to provide to the client. The Office Action asserts that Helzerman teaches this feature. Helzerman discloses performing a risk assessment during a manufacturing concept-ready phase with the sole purpose of determining if an additional step of generating a production prove out is required. During this phase, it is disclosed to generate metrics of costs, timing, and quality estimates, but generating a metric from the risk assessment after it is completed is not taught or suggested. No risk assessment information is mentioned as an output of the manufacturing concept-ready phase or as an input to any other phase or method.

The standards and methods procedure referred to by the Examiner as producing the risk assessment metric occurs as a postmortem after all five phases of the disclosed project organization method are complete, and therefore after a proposed change has been implemented. Applicant respectfully submits that a risk assessment metric is not disclosed or suggested in this

method. Applicant submits that it is counterintuitive to produce such a metric after the risk has been taken. In contrast, in the invention as in claims 1, 9, and 10, a metric is produced as the product of a risk assessment as an objective means to evaluate the risk of implementing a change. Wright and Ali both fail to cure this deficiency of Helzerman. Applicant respectfully submits that independent claims 1, 9, and 10 distinguish over the combination of Helzerman, Wright, and Ali and requests that the 35 U.S.C. 103(a) rejections of independent claims 1, 9, and 10 be withdrawn.

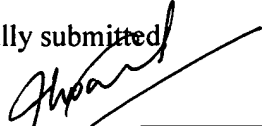
Dependent claims 2-8 and 29 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-8 and 29 distinguish over Helzerman, Wright, and Ali and are in condition for allowance. Withdrawal of the rejection of dependent claims 2-8 is respectfully requested.

Dependent claims 30-37 depend from and further restrict independent claim 9 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 9, dependent claims 30-37 distinguish over Helzerman, Wright, and Ali and are in condition for allowance. Withdrawal of the rejection of dependent claims 30-37 is respectfully requested.

In the event the U.S. Patent and Trademark Office determines that an extension is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 10-0447 referencing docket no. 92717-00322USPT.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted
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